

Appl. Serial No. 10/790,540

HRT0256C2

1-20. (Cancelled)

21. (Amended) A device for engaging tissue having a preexisting opening, comprising:

- a generally annular-shaped ring having a width disposed about a longitudinal axis;
- at least two staple members extending from the ring, each of the at least two staple members having a thickness ~~extending from the ring, each having and at least~~ a distal portion formed of an elastic material, the distal portions having a first configuration, where the distal portions are separated by a first distance and wherein the distal portions are substantially parallel to the longitudinal axis, and a second configuration, where the distal portions are separated by a second distance, the second distance being less than the first distance, and the at least two staple members engage tissue surrounding the preexisting opening; and
- wherein the annular-shaped ring has a width that is greater than the thickness of the at least two staple members.

22. (Amended) The device of claim 21, wherein the first distance is greater than the diameter of the preexisting opening.

23. (Amended) The device of claim 21, wherein the second distance is less than the diameter of the preexisting opening.

24. (Amended) The ~~device method~~ of claim 21, wherein the distal portion of the at least two staple members are substantially orthogonal to the longitudinal axis when the distal portions are in the second position.

25. (Previously Presented) The device of claim 21, wherein the distal portions end in a sharpened point.

26. (Previously Presented) The device of claim 21, wherein the distal portions are located radially inward relative to the annular ring when the distal portions are in the second configuration.

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27. (Previously Presented) The device of claim 21, wherein the distal portions of the at least two staple members are not parallel with the longitudinal axis when the distal portions are in the second configuration.

28. (Previously Presented) The device of claim 21, comprising a member configured to be disposed within the ring.

29. (Amended) The ~~method~~device of claim 28, wherein the member is a tubular member.

30. (Previously Presented) The device of claim 29, wherein the member holds the at least two staple members in the second configuration when the member is disposed within the ring.

31. (Previously Presented) The device of claim 21, comprising a driver disposed about the member.

32. (Amended) The device of claim 31, wherein the a-driver and the member are movable with respect to one another.

33. (Previously Presented) The device of claim 32, wherein the driver is configured to move the ring from a first position relative to the member to a second position relative to the member, whereat the at least two staple members engage tissue.

34. (Previously Presented) The device of claim 21, wherein the distal portions of the staple members are formed of a superelastic material.

35. (Amended) The ~~method~~device of claim 21, wherein the distal portions of the staple members are formed of a shape-memory material.

36. (Amended) The ~~method~~device of claim 21, wherein the staple members are integrally formed with the ring.